

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSE SOTO,

Plaintiff,

v.

DALIA SULIENE, LILLIAN TENEBRUSCO,
CAPTAIN MORGAN, JANEL NICKEL,
STEVE HELGERSON, C.O. HAAG and
JANE DOE NURSE "K",

Defendants.

ORDER

11-cv-567-slc

In an order entered in this case on November 7, 2011, I denied plaintiff Jose Soto's motion for appointment of counsel without prejudice because it was too early in the case to assess plaintiff's ability to litigate his case despite plaintiff's mental health issues. Now, plaintiff has filed a renewed motion for appointment of counsel. In support of his current motion, written by inmate Christopher Stehr and signed by plaintiff, he explains that plaintiff does not have any law library access and is at a mental health facility which "speaks volumes." Plaintiff's renewed motion for counsel will be denied.

Not much has changed in this lawsuit in the few weeks since plaintiff filed his first motion asking for a lawyer, . In the November 7, 2011 order, I told plaintiff that, at this early stage of litigation, it was not clear whether his mental health issues would compromise his ability to adequately to litigate this case and at this early stage in his lawsuit, nothing in the record suggested that plaintiff's claims were so complicated that they exceeded his ability to prosecute those claims. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007) . This situation has not changed. In the time that has passed since plaintiff filed his first motion, the court has scheduled a pretrial conference for December 7, 2011. At this conference, we will talk about how plaintiff can gather any additional evidence he needs to prove his claims. Plaintiff will

receive a copy of this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written for the very purpose of helping pro se litigants keep their cases on track toward the best available outcome. In addition, plaintiff will be free to ask procedural questions during the telephonic conference. After that, if at some point plaintiff does not understand something that is happening in this case, then he may write to the court to ask for clarification. Therefore, for the reasons expressed in the November 7, 2011 order, plaintiff's second motion for appointment of counsel will be denied, again without prejudice to plaintiff's renewing it at a later stage of the proceedings .

ORDER

IT IS ORDERED that plaintiff Jose Soto's renewed motion for appointment of counsel, dkt. 16, is DENIED without prejudice.

Entered this 2nd day of December, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge